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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,149	04/01/2004	Jussi Juva	0837-0168PUS1	7361
2292	7590	07/15/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				NGUYEN, TAM M
ART UNIT		PAPER NUMBER		
3764				DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,149	JUVA, JUSSI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tam Nguyen	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-9 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/1/04 & 8/4/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because of the following:

In page 9, on line 1 is the word "comprises". Examiner suggests using the word --includes-- instead.

In page 9, on lines 2 and 3 are the phrases "first means" and "second means" respectively.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 1, 5, 7 and 8 are objected to because of the following informalities:

In claim 1, on line 1, the phrase "the floor" lacks antecedent basis. Examiner suggests the following substitution, --a floor-- or --a floor surface--.

In claim 7, on line 4, the phrase "the shafts" should be stated as --shafts-- to differentiate these shafts from the vertical shafts.

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In claim 8, on line 1, the phrase "as claimed in claim 1 or 7" appears to be incorrect since the subject matter of claim 8 refers to some elements found only in claim 7 and not in claim 1. The examiner will assume that the phrase should read --as claimed in claim 7-- to avoid antecedent basis issues and to expedite the prosecution.

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the horizontal", "the plane of the frame", "the operating position" and "the area of the ends" in lines 6, 7 and 11. Claim 6 recites the limitation "the back of the frame" in line 2. There is insufficient antecedent basis for these limitations in the claims.

In claim 7, lines 2 and 3, the phrase "shafts that are substantially vertical in the operating position" is unclear. Applicant should state that the --shafts are substantially vertical when the treadmill frame is in the operating position-- to clarify the subject matter.

In claim 9, it is unclear what is meant by the phrase "formed into lowerable wheels".

Examiner suggests the following, --capable of being lowered--.

Claims 2-4 and 6-9 are rejected for being dependent on a rejected base claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by Dalebout (6,033,347).

4. As to claims 1, 2 and 6, Dalebout discloses a treadmill comprising a frame (20,22), an endless belt (34) arranged around two rolls on the frame, first means (98) for turning the belt, second means (motor at feet 92) for adjusting the tilt of the belt and a hand support structure (46) comprising a support part (40) on both sides of the frame (see Col. 8, lines 31-42 & Figs. 1-5). The treadmill also includes an entity comprising said support parts (40) and low supports (62,68) wherein the entity is turnably pivoted to the frame by means of a transverse shaft (A) as substantially claimed (see Fig. 2B below). Dalebout also discloses that the low supports are arranged to extend past the back end of the frame (as shown by reference B in Fig. 2 B below).

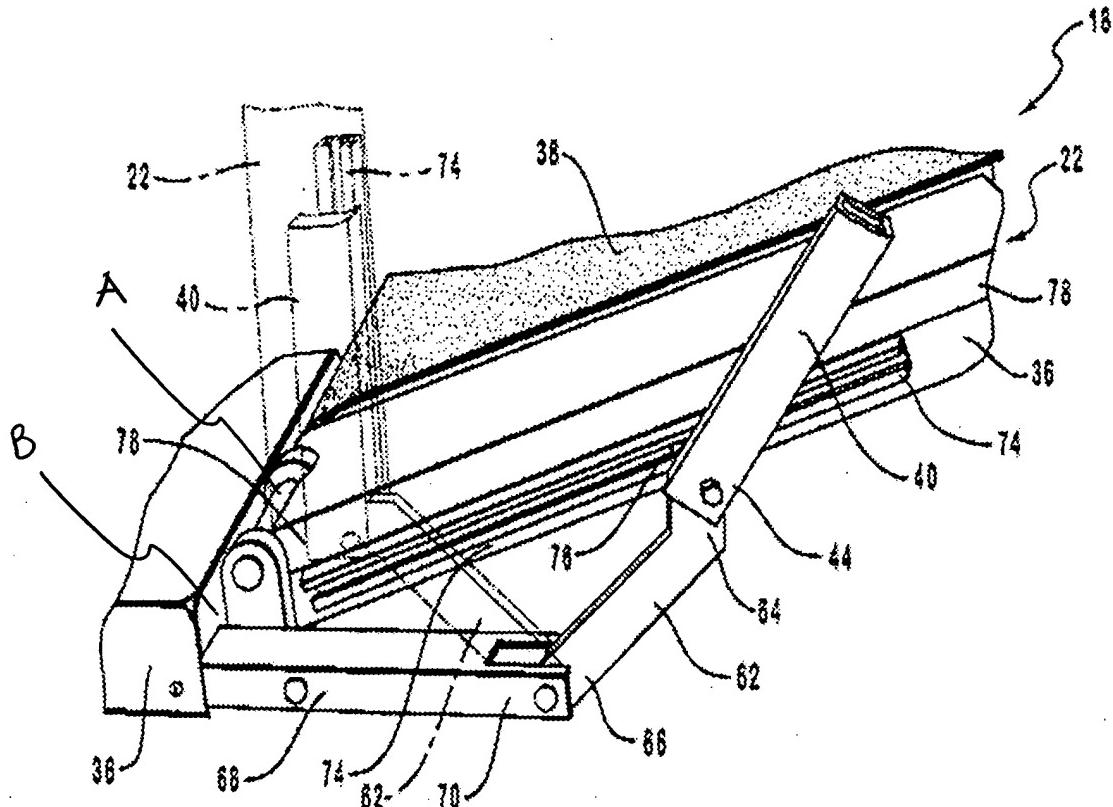


FIG. 2B

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (6,905,443).

5. As to claims 1-4, Lo discloses a treadmill comprising a frame (2), an endless belt (21) arranged around two rolls on the frame, first means (not shown, alluded to by control panel) for turning the belt, second means (motor at feet 321) for adjusting the tilt of the belt and a hand support structure (13) comprising a support part (12) on both sides of the frame (see Col. 3, lines 17-19 & Fig. 1). The treadmill also includes an entity comprising said support parts (12) and low supports (11) wherein the entity is

turnably pivoted to the frame by means of a transverse shaft (313) as substantially claimed (see Figs. 1-5). Lo also discloses that the low supports are arranged to extend past one end of the frame (the front end as shown in Figs. 1 & 3) and the transverse shaft is arranged substantially in the middle of the frame (particularly, in the middle of the front end (312) of the frame) at the joining point of the support parts (12) and low support (11) (see Figure 3).

***Allowable Subject Matter***

6. Claims 7-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu et al. '422 disclose a foldable treadmill having wheels that can be lowered when the treadmill is folded in an upright position to facilitate transport and storage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

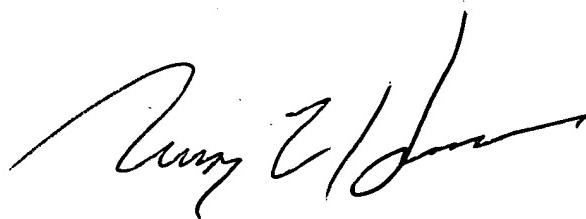
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 30, 2005

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